IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

Crl.MC.No. 172 of 2007()

AGAINST THEORDER IN CRRP.2037/2004 OF THE HIGH COURT OF KERALA

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PETITIONER: ACCUSED

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1. P.K.PAREED, S/O.KUNHUKUNJU,
   PONNAPALA HOUSE, KOOMPANPARA, ANAVIRATTY POST,
   IDUKKI DISTRICT.

2. MEERA UMMA, W/O.KUNHUKUNJU,
   PONNAPALA HOUSE, KOOMPANPARA,
   ANAVIRATTY POST, IDUKKI DISTRICT.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.172 of 2007

Dated this the 21st day of February, 2007

ORDER

The grievance of the petitioners is that they have been found not guilty and acquitted as per Annexure-A judgment passed by this Court in an appeal. The amount has been deposited by them as directed in the judgment of the court below, which has already been set aside. The amount deposited by them is not being returned by the learned Assistant Sessions Judge.

2. Did they make an application for return of the amount ? If not, why has such application not been filed ? If such application has been filed, what is the prayer in that application ? Why is the prayer rejected ? Why is the order not being produced ? I do not get satisfactory answers to the above queries. However, I am satisfied that the petitioners can be permitted to approach the learned Assistant Sessions Judge, before whom the deposit was made, claiming release of such amount in the light of the appellate judgment passed by this Court, a copy of which is produced as Annexure-A. Such application must be disposed of on merits. I can find no reason why the judgment having already been set aside, the amounts which are deposited by the petitioners, as directed under the said judgment, should not be released to them.

3. This Crl.M.C is, in these circumstances, dismissed with the above observations. Hand over a copy of this order to the learned counsel for the petitioners forthwith for production before the learned Assistant Sessions Judge.

(R.BASANT, JUDGE)

rtr/-